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14 UNITED STATES DISTRICT COURT

15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 BAY AREA PAINTERS AND TAPERS  
17 PENSION TRUST FUND, et al.,

18 Plaintiffs,

19 v.

20 NEHEMIAH ELIJAH BROWN, JR.,  
21 Individually and dba PRECISION  
22 DRYWALL CO.,

23 Defendant.

24 Case No: C12-5378 TEH

25 **REQUEST FOR ENTRY OF JUDGMENT  
WITHOUT HEARING ON PLAINTIFFS'  
MOTION FOR DEFAULT JUDGMENT and  
REQUEST TO VACATE HEARING  
THEREON;  
~~PROPOSED~~ ORDER THEREON**

26 Date: February 11, 2013

27 Time: 10:00 a.m.

28 Location: Courtroom 2, 17th Floor  
450 Golden Gate Ave.  
San Francisco, CA 94102

Judge: The Honorable Thelton E. Henderson

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30 I, Michele R. Stafford, declare:

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32 1. I am an attorney at law licensed to practice in the State of California, and am a  
shareholder of Saltzman and Johnson Law Corporation, attorneys for Plaintiffs herein.

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34 2. I submit this declaration in support of Plaintiffs' pending Motion for Default  
Judgment filed on January 7, 2013. I am requesting that default judgment be entered by the Court  
without the necessity of a hearing, and that the hearing presently set for February 11, 2013 at  
10:00 a.m. before the Honorable Thelton E. Henderson be vacated.

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1       4. The Notice of Motion and Motion for Default Judgment were served upon  
 2 Defendant on January 7, 2013. Defendant's time for filing any Opposition to the Motion for  
 3 Default Judgment has passed, and Defendant have failed to oppose or otherwise contest this  
 4 request for default judgment.

5       5. Defendant Brown has a history of ignoring the legal process, of not appearing at  
 6 hearings, and of failing to make payment on Judgments, as evidenced in Case Numbers C04-4390  
 7 WHA and C06-7509 WHA. The current action is against a new entity, but with the same principal.  
 8 Mr. Brown has behaved to date, exactly as he did in prior matters. It is questionable at best as to  
 9 whether we will be able to collect.

10      6. In the interest of conserving costs as well as the Court's time and resources,  
 11 Plaintiffs respectfully request that the Court enter default judgment without the necessity of a  
 12 hearing, and that the currently scheduled February 11, 2013 hearing be vacated. As attorneys' fees  
 13 and costs are "out of pocket," Plaintiffs are attempting to keep fees (and thus the Trust Funds'  
 14 loss) at a minimum. Entering Judgment without the necessity of a hearing will keep the fees and  
 15 costs at a minimum, particularly in light of the fact that collection is uncertain.

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1       7. To the best of my knowledge and belief, based on my correspondence with him,  
2 Defendant Nehemiah Elijah Brown, Jr. *dba* Precision Drywall Co. is not an infant, incompetent  
3 person, or in the military service of the United States or otherwise exempted under the  
4 Servicemembers Civil Relief Act of 2003.

5 I declare under penalty of perjury that the foregoing is true to my own knowledge and if  
6 called upon I could competently testify thereto.

7 Executed this 5th day of February, 2013, at San Francisco, California.

SALTZMAN & JOHNSON  
LAW CORPORATION

11 By: /S/Michele R. Stafford  
12 Michele R. Stafford  
Attorneys for Plaintiffs

## **13** IT IS SO ORDERED.

14       Based on the foregoing, and GOOD CAUSE APPEARING, the hearing on Plaintiffs'  
15 Motion for Default Judgment, currently scheduled for February 11, 2013, at 10:00 a.m., is hereby  
16 VACATED. Judgment on Plaintiffs' Motion for Default Judgment will be entered on the papers.

**18** || Dated: February 6 , 2013

